

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1326

IN THE MATTER OF:

REMANDS from United States Court) Served: May 13, 1974
of Appeals for the District of)
Columbia Circuit of D. C. Transit)
System, Inc., proceedings:)

Application of D. C. Transit Sys-) Application No. 453
tem, Inc., for Authority to In-)
crease Fares) Docket No. 156

Application of D. C. Transit Sys-) Application No. 436
tem, Inc., for Authority to In-)
crease its Fleet in Lieu of Pur-)
chasing Buses) Docket No. 156

Application of D. C. Transit Sys-) Application No. 226
tem, Inc., for Authority to In-)
crease Fares) Docket No. 32

Application of D. C. Transit Sys-) Application No. 344
tem, Inc., for Authority to In-)
crease Fares) Docket No. 101

Application of D. C. Transit Sys-) Application No. 573
tem, Inc., for Authority to In-)
crease Fares)

Application of D. C. Transit for) Application No. 553
Suspension of the Program for the)
Purchase of New Buses) Docket No. 201

Application of D. C. Transit Sys-) Application 613
tem, Inc., for Authority to In-)
crease Fares) Docket No. 216

By motion, filed May 10, 1974, counsel for Leonard N. Bebchick and other protestants in the remand from D. C. Cir. No. 23,720, Bebchick v. WMATC, decided June 28, 1973, 485 F2d 858, requests the Commission to extend the time for filing motions on procedure until May 28, 1974, and the time required for filing responses thereto until June 11, 1974.

At the pre-hearing conference held on May 2, 1974, pursuant to Order No. 1317, served April 4, 1974, the Commission directed that statements of the issues and/or motions on procedure be filed within two weeks of the pre-hearing conference and that responses to statements or motions be filed within two weeks of that submission date. The Commission fixed the filing date for statements and motions as May 16, 1974, and the filing date for responses as May 30, 1974.

Counsel states that the requested postponement is a result of efforts to reach agreement concerning certain of the issues involved in the remand from the U. S. Court of Appeals for the District of Columbia Circuit. Counsel further indicates that his filing of a motion on procedure at the time fixed by the Commission would seriously jeopardize if not preclude the possibility of D. C. Transit System, Inc., and protestants arriving at an agreement. The postponement is sought to be justified as preserving for a short period of time the possibility that the bus riding public might realize the benefits of restitution more speedily than otherwise would be the case.

The Commission is of the opinion that the motion should be granted and that the date for filing statements and/or motions and the date for filing responses thereto should be postponed with respect to such filings. This extension of the filing dates would enable the Commission to preserve an orderly administration of the remand proceedings.

An additional facet of these remand proceedings has been presented to the Commission for the first time by this motion. That aspect is the settlement of issues by persons participating in the remand proceedings. Obviously, any resolution of the various issues involved would require a finding by the Commission. The finding of the Commission must be based

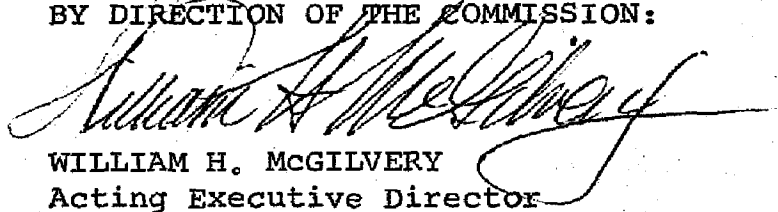
on the public interest in receiving proper restitution. Thus, any agreement between or among the persons appearing before the Commission should not be construed as an ultimate finding of the Commission because to permit such to occur would result in usurpation of the Commission's duties and obligations.

THEREFORE, IT IS ORDERED:

1. That the motion by counsel for Leonard N. Bebachick and other protestants filed May 10, 1974, requesting an extension of time for filing motions on procedure and the time required for filing responses thereto be, and it is hereby, granted.

2. That the filing date of May 16, 1974, for the filing of statements and motions and the filing date of May 30, 1974, for the filing of responses thereto fixed by the Commission at the pre-hearing conference held May 2, 1974, be, and they are hereby, postponed until May 28, 1974, for the filing of statements and motions and June 11, 1974, for the filing of responses thereto.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Acting Executive Director

